

**CLARK COUNTY PLANNING COMMISSION  
MINUTES OF PUBLIC HEARING  
THURSDAY, APRIL 15, 2004**

**CALL TO ORDER**

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chairman, Vaughn Lein. The hearing was held at the Public Services Hearing Room, 1300 Franklin Street, Vancouver, Washington.

**ROLL CALL**

Members Present: Vaughn Lein, Chair; Jeff Wriston, Vice Chair; Dick Deleissegues, Lonnie Moss, Ron Barca (Late); Carey Smith; and Jada Rupley.

Members Absent: None.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Bob Higbie, Assistant Long Range Manager; Michael Butts, Development Services Manager; Jim Vandling, County Forester/Planner III; Mitch Kneipp, Planner II; Jose Alvarez, Planner II; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

**GENERAL & NEW BUSINESS**

**A. Approval of Agenda for April 15, 2004**

The agenda for April 15, 2004, was approved as distributed.

**B. Approval of Minutes of 11/17, 11/20, 11/24 & 12/18/2003 (sent out in February's meeting packet)**

WRISTON: Very well. I move to approve. I didn't have a problem.

SMITH: Second.

LEIN: Moved and seconded. All in favor signify by say aye.

EVERYBODY: AYE

**C. Communications from the Public**

None.

**PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:**

**A. OPEN SPACE & TIMBERLAND APPLICATIONS:**

Planning Commission will consider staff recommendations for approval or denial of Timberland or Open Space Applications for Current Use Assessment pursuant to Chapter 84.34 of the RCW. The criteria for Open Space or Timberland was established by Resolution No. 1977-10-32, adopted November 7, 1977 and Ordinance No. 1982-02-65 adopted March 17, 1982, and Ordinance No. 1996-02-30, adopted February 27, 1996.

**Staff Contact:** Jim Vandling, (360) 397-2375, Ext. 4714 or e-mail: [james.vandling@clark.wa.gov](mailto:james.vandling@clark.wa.gov)

VANDLING: Thank you, Mr. Chairman. Jim Vandling, staff forester for Clark County. This year the County has received 43 total requests on 67 parcels which cover just slightly over 1,000 acres. One request, one request, excuse me, is going to be reviewed by the Assessor's Office and that would be No. 04-0011 and that is solely because staff is the applicant. Four requests have been withdrawn prior to the final review. Those requests were undoubtedly going to be denied. The applicants realized that they didn't have enough time to prepare an adequate submittal so they were withdrawn. Out of the remaining requests, 39 requests fully meet all of the qualification criteria in 070, 3.08.070.

(Commissioner Barca entered the hearing.)

VANDLING: Three requests are being partially approved. Two of those are because the applicants realized they wanted to keep an acre out for home site and one was simply deficient in adequate stocking and canopy coverage. We had four requests for open space classification. We had two for soil conservation, one for public recreation and one for historic site. I've summarized all of the approvals on Exhibit A. If you would like me to elaborate on the purpose of the program and our statute, statutory authority to make these approvals, I can certainly go into that.

LEIN: Are there any questions of Mr. Vandling on any of these other than on the application that he submitted?

DELEISSEGUES: I just got a process question. When they withdraw the application can they resubmit it without paying the fee again or do they have to come up with the fee again to review?

VANDLING: I believe, I believe in the withdraw process their fees are refunded to them if they're withdrawn prior to review.

DELEISSEGUES: Okay.

VANDLING: So the answer would be of course, yes, they would be able to come back, but they would have to pay the fee again.

DELEISSEGUES: Well, I think we've been through this a number of times and apparently if they meet the criteria, you recommend approval.

VANDLING: The one thing I would like to do is I'm joined here tonight by Susan Praytor from the Assessor's Office who has done the review on Application No. 11 and she would like to step up to the microphone, she can personally give you her recommendation.

DELEISSEGUES: Okay.

MOSS: That was the only one that was really suspect, wasn't it?

PRAYTOR: I'm Susan Praytor from the Clark County Assessor's Office and --

LEIN: Susan, you're going to have to speak up.

PRAYTOR: Okay.

LEIN: We can't pick you --

PRAYTOR: You can't hear me?

LEIN: That's better.

PRAYTOR: Okay. My name is Susan Praytor, I'm a residential appraiser with the Clark County Assessor's Office and we reviewed the Timberland Application No. 04-0011 for James and Julie Vandling for the 2000 year -- for the year 2004 to avoid a conflict of interest as James Vandling is a Community Development employee. We found that the application fully met the criteria and we recommend approval of the six acres applied for. Do you have any questions? You can't hear me?

LEIN: Any questions?

WRISTON: They're always grumpy, don't worry about it.

PRAYTOR: Sorry.

LEIN: Any questions of Susan? Okay, thank you. There doesn't seem to be an audience here wishing to do any testimony, otherwise I would open it up especially for the two that are partial. Did you get any information from the two applicants that were

just partial approval?

DELEISSEGUES: Actually there's three.

LEIN: Three.

VANDLING: Well, actually the information came from them. So the only, the only change I could -- that we would make on Exhibit A is down here by No. 11 where it says "pending," maybe we can change that to "approval" in the light of the Assessor's recommendation.

LEIN: Okay. Any questions on this?

DELEISSEGUES: No. I'd be willing to make a **motion**.

WRISTON: He did, didn't he.

LEIN: Go ahead, sir.

DELEISSEGUES: Okay. I **MOVE** that we approve the 40 open space and timberland applications that were recommended by staff as approval and by the County Assessor's Office for approval.

LEIN: There's 43.

DELEISSEGUES: And I would accept 04-0015, 81-0207, 74-0889, which are partial approval.

HOLLEY: Whoa, hold on. Do you want to do that one over?

BARCA: Remember what Jeff said.

SMITH: She's out of practice.

DELEISSEGUES: Okay. 04-0015, 81-0207, 74-0889, which were recommended for partial approval, so those are accepted.

LEIN: Is there a second to the motion?

MOSS: **Second**.

LEIN: Is there any further discussion on the motion? Could we have roll call, please.

### **ROLL CALL VOTE**

MOSS: AYE  
BARCA: AYE  
SMITH: AYE  
WRISTON: AYE  
RUPLEY: AYE  
DELEISSEGUES AYE  
LEIN: AYE

LEIN: Those will all be forwarded on to the Board of County Commissioners.

WRISTON: You guys must be doing an exceptional job because those used to do us a long time so.

VANDLING: Yeah, well, we had some clinics this year so.

WRISTON: Good. Well, whatever you're doing --

VANDLING: They're helping out.

WRISTON: -- they have gotten better over the past three or four years. You know, they've progressively gotten better. I don't know what's, but that's great. And it doesn't seem like the applications have subsided at all, so that's great. Thank you.

MOSS: Yeah, good comments I think.

### **PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION**, continued

**B. BIENNIAL CODE AMENDMENTS:** Clark County is proposing 32 code amendments, which are as follows:

- 1) **Continuance Fee Change in Title 2 (CCC 2.51.120)** – removal of the fee reference for the continuance under Title 2 and direct it to Title 6.
- 2) **Concomitant Rezone Agreement (CCC Table 6.110A.010(2)(G))** – A “rezone concomitant agreement release” is a form of covenant release. In order to provide clarification staff is proposing to add this term to the covenant release section of Title 6.
- 3) **Setback Exemption for Open Porches and Stoops (CCC 40.200.070(A))** – Apply the setback exemption for open porches and stoops to all property line setbacks.

- 4) **Cross Reference Citation for Churches in Single-Family Residential Zones (CCC Table 40.220.010-1(4)(a))** – Add the cross reference to special uses for churches under the zoning table.
- 5) **Cross Reference Citation for PUD's in the Residential Districts (CCC Table 40.220.020-1(1)(n))** – Add the cross reference to uses permitted subject to review and approval for single-family detached dwellings.
- 6) **Cross Reference Citation for Detached SFR's in the Residential Districts (CCC Table 40.220.020-1(1)(q))** – Add the cross reference to uses permitted subject to review and approval for single-family detached dwellings.
- 7) **Setback Exemption for Non-Conforming Lots (CCC 40.220.070(D))** – Reinserting a provision that allowed legal lots, which were smaller than the underlying zoning designation, to use the setbacks for the zone they more closely correspond to in size.
- 8) **NAICS (CCC Table 40.230.080-1)** – Add a footnote to sections 22 and 23 of the county code's reference to the North American Industry Classification System (NAICS) noting the appropriate year to utilize under NAICS.
- 9) **Grammatical Correction – Infill Alley Access (CCC 40.260.110(I)(5)(e))** – Grammatical correction replacing an inadvertent hyphen with a period.
- 10) **Retail Parking for Supermarkets (CCC Table 40.340.010-4)** – Adding a retail parking ratio for supermarkets.
- 11) **Code Citation Correction – Street and Road Standards (CCC 40.350.030(B)(5)(a))** – Correcting an inadvertent code citation reference and replacing it with the correct reference.
- 12) **Grammatical Correction – Plan Amendment Procedures (CCC 40.350.030(C)(5))** – A grammatical correction adding hyphens that were inadvertently left out.
- 13) **Grammatical Correction – Plan Amendment Procedures (CCC 40.350.030(N))** – A grammatical correction adding hyphens that were inadvertently left out.
- 14) **Cross Reference Citation for Erosion Control (40.380.050(B)(6))** – Correcting a cross reference that incorrectly points to a previous section.
- 15) **Shorelines (CCC 40.460.060(A)(2))** – Reinsert a provision which allows a longer period of time for shoreline work based on a finding of good cause.
- 16) **Post-Decision Procedures and Final Site Plans (CCC 40.520.060)** – Clarifying that once a final site plan has been approved, post-decision reviews are not allowed.
- 17) **Maximum Lot Size Exemption (CCC 40.220.010(C)(2))** – Clarifying the exception to the maximum average lot size for short plats.
- 18) **Density Transfer (CCC 40.220.010(C)(5)(b))** – Adding language to allow regional stormwater facilities to be used for density transfer and to clarify that easements for utility transmission lines do not qualify for density transfer.

- 19) **Density Transfer (CCC 40.220.010(C)(5)(b)(3))** – Adding language to clarify that lots along the perimeter of a density transfer development (that “abut” single-family zones) to have at least 90% of the minimum lot area standard for the base zone.
- 20) **Pedestrian Connection – Commercial (CCC 40.230.010(D)(5)(a))** – Adding language to clarify that a larger sidewalk width for commercial facilities is required to connect street or streets to the primary building entry or entries.
- 21) **Building Front – (CCC 40.230.010(D)(5)(b))** – Adding language to clearly identify where landscaping in front of a building should be placed.
- 22) **Wetland Permit Application (CCC Table 40.450.040(F)(2)(c))** – Adding language to help clarify submittal requirements that are vague and ambiguous as they pertain to Wetland Permit applications.
- 23) **Legal Lot Determination – Public Interest Exception (CCC 40.520.010(E)(3))** – Removing a specific criterion relating to assessed value.
- 24) **Road Modifications (CCC 40.550.010)** – Removing criteria that is unclear and undefined, and provide language to better serve the public interest. Also, removing references to modifications to state routes and correct a code structure hierarchy error within the section.
- 25) **Stormwater Fee for Small Residential Projects (CCC Table 6.110A.010(3)(H), (J) and Table 6.110A.020(2)(I), (K))** – Add “small residential projects” that discharge water off-site to the fee schedule.
- 26) **RV Storage Independent of Mini-Storage (CCC Table 40.230.010-1(9)(g))** – Proposed change to allow RV Storage and Mini-Storage independent of each other in certain commercial zones.
- 27) **Class IV-G Single-Family Dwelling Moratoria Waiver (CCC 40.260.080)** – Adding language to allow for enforcement of county forest practice violations.
- 28) **Wireless “Array” Definition (CCC 40.260.250(C) “Array”)** – Updating the definition for array to reflect current industry standards.
- 29) **Landscape Matrix (CCC Table 40.320.010-1)** – Reversing the buffer width requirements of the L4 standard and the L5 standard to be consistent with adopted language.
- 30) **Sediment Removal from Roadways for Small Parcel Development (CCC 40.380.050(A))** – Adding language to require sediment removal from roadways for Small Parcel Development. The removal of this requirement was an oversight during the stormwater code rewrite done in 1999.
- 31) **CARA (CCC 40.410.020(C))** – Adding language to clarify that a CARA permit is required for certain uses that have a potential high impact on groundwater.
- 32) **Parcel Area on Final Plats (40.540.070(B)(3)(a))** – Adding language to require the parcel area for individual lots to be shown on the final plat.

- 33) **Update of Steep Slopes and Landslide Hazard Map** – Update steep slopes and landslide hazard map to reflect new information obtained through LIDAR technology.

**Staff Contacts:** Jose Alvarez (360) 397-2375, Ext. 4318, E-mail: [jose.alvarez@clark.wa.gov](mailto:jose.alvarez@clark.wa.gov) or Mitch Kneipp, Ext. 4178, E-mail: [Mitch.kneipp@clark.wa.gov](mailto:Mitch.kneipp@clark.wa.gov)

LEIN: Move on to the next public item, it's the biannual code changes for 2004.

ALVAREZ: Evening.

MOSS: You're hoping to get it done that quickly.

RUPLEY: And it isn't going to happen.

ALVAREZ: I'll take a little bit longer. It's Jose Alvarez with Clark County Long-Range Planning. I just wanted to, to check in to see how, how you wanted to proceed with these 33 code amendments. We're prepared to go through them individually, just go through them and see which ones you have an issue with and discuss it at that time.

LEIN: I think we can go down through them and just go item-by-item and see if there's any comments from members of the Commission.

ALVAREZ: Okay.

WRISTON: Well, actually --

LEIN: Actually.

WRISTON: Well, I just want to -- I mean there may be a better way to do it, but I don't know if there is.

LEIN: Go ahead.

WRISTON: Well, you say that the proposed amendments can be categorized as technical refinement and minor policy?

ALVAREZ: Correct.

WRISTON: Do you have those in those order and do you have them categorized that way?

ALVAREZ: Correct.

WRISTON: It might be nice to go through them as categorized.



BARCA: Oh, no.

RUPLEY: All the technical ones?

LEIN: The technical ones are --

WRISTON: Well, I'd like to, I'd like to see how they're --

ALVAREZ: They're sorted all of the --

WRISTON: Are they?

ALVAREZ: All the technical ones are listed first.

LEIN: All the technical ones come first.

WRISTON: Gees, I didn't even notice that.

BARCA: Let's just go page-by-page.

WRISTON: Okay. Sorry about that. I didn't notice the category up there, I just was going -- looking under the changes so. Sorry. I'm not detail oriented.

BARCA: You should have been at the workshop.

WRISTON: Yeah, I wasn't at the workshop but I was on time. No.

LEIN: Why don't we go down -- why don't we go down through them individually, Jose.

DELEISSEGUES: Before you do that I do have some questions on administrative modification criteria versus the design modification criteria. For example, under "administrative modification" it says "exceeding the maximum street grade" and under "design" it says "vertical alignment," well, what's the difference? If the grade's different, isn't the vertical alignment different? And the next question is intersection interior angles and curb radii on a road and then why wouldn't that be the same as a horizontal alignment or crossroads which are down under "design"?

It seems like it's, you know, depending on who looks at it, one person could say that's an administrative, not send it over to Engineering and go ahead and sign off on it, and somebody else could look at it and say, hey, that's a vertical alignment change and it just seems like there's a little confusion there to me.

ALVAREZ: So what you're saying is that what currently is existing in each category it seems like there's an overlap, you could put one in either category?

DELEISSEGUES: I guess.

ALVAREZ: Do you have any -- Mitch, do you have?

KNEIPP: Well, I guess, Mitch Kneipp for the record.

DELEISSEGUES: Sure.

KNEIPP: One of the things is I guess if you were having a concern that it's -- they're not -- the administrative modifications aren't going to be engineers, they all go to the engineers, an engineer is the only one who's ever looking at any of these things. You know, you're fortunate that you have an engineer who's on the Planning Commission who probably understands this better than a planner like myself, but when you start dealing with, you know, interior angles and curb radii, I don't know that from a, you know, a crossroad probably much like yourself.

So I think it's when we get into, but those are existing code things that we're not proposing to change as part of this. So unless, you know, the Planning Commission wants to start looking at things like that, but that's not what we're proposing to do.

DELEISSEGUES: Okay. As long as it's clear to you, it's okay with me.

KNEIPP: It's clear to the engineers. I think they're the ones that --

WRISTON: Is it clear to you, Lonnie?

MOSS: Well, the changes that they're talking about I think are pretty clear. You know, if we -- I think there is some question about the appropriateness of some of the things on this list as to whether they're administrative or whether they're design modifications, they're kind of outside the scope of what staff is proposing here, but I don't know. That doesn't mean that this isn't the forum to discuss some other changes, we're free to do that I believe. With regard, Dick, to at least the maximum grade and the vertical alignment, I think the distinction that's made there is that the County does have a maximum allowable grade which they specify at 15 percent I believe and or 18 percent of concrete pavement, but that's a little different than a change to vertical curvature for example whether to make a --

DELEISSEGUES: Well, yeah.

MOSS: I am glad to see this shed section or inverted crown come in here, this is one that's been really troubling and it's, you know, it's been kind of nonsensical to have to go through a road modification to get here and I'm really glad to see this one because it isn't anything where there's a great deal of public interest involved.

WRISTON: So where do you want to start?

LEIN: Instead of starting on No. 24 I'd like to start at No. 1.

MOSS: You probably had it planned here.

ALVAREZ: So the first one is the continuance fee change in Title 2. Are there any issues with that?

LEIN: Does anyone have anything on --

WRISTON: We're not changing the fee, we're just --

ALVAREZ: Just referencing in a different --

WRISTON: Right.

LEIN: No, we can probably approve everything at the end.

ALVAREZ: So the second one is the concomitant rezone agreement. And any questions with that?

WRISTON: No.

ALVAREZ: The No. 3, setback exemption for open porches and stoops.

LEIN: The only question I have there is what is actually referred to in the code citation, the County will be changing to the IBC in July and I don't know what kind of an issue that there is if it's referring to UBC now, how do we handle the IBC? Is that just a minor change later, Rich?

LOWRY: Yes. The Building Department is in the process of putting together the code changes which will include not only the UBC section of the code but also any other collateral references.

LEIN: Okay. Thank you.

ALVAREZA: No. 4, cross-reference citation for churches in single-family residential zones.

LEIN: They're all conditional so.

ALVAREZ: No. 5 we did add one, we wanted to add another reference to the table. The current reference refers to the review and approval and we wanted to add another reference 40.520.020 that refers to the PUD. The existing one refers to the PUD and

we wanted to add the citation I just mentioned for review and approval. It should have both as a reference.

WRISTON: What's the citation again?

ALVAREZ: 40.520.020.

BARCA: Didn't you just say it should have both?

ALVAREZ: What's existing is 40.520.080. That's on No. 5.

BARCA: Right.

ALVAREZ: We're proposing to add 40.520.020.

WRISTON: As a 2, not, okay.

ALVAREZ: Right.

WRISTON: Not changing 80 to 20?

ALVAREZ: No, in addition to the existing. No. 6 is the cross-reference citation for detached single-family residential in the residential districts.

WRISTON: Okay. Yeah, there's your -- well, there's your 40.520.020, that's still, that's valid still?

ALVAREZ: Right.

BARCA: Why are they on separate lines, Jose?

ALVAREZ: Why are they on separate lines?

BARCA: Well, as I see it in No. 5 the way it's proposed it says Table 40.220.020-1(1) and then (n), and then you go down to 6 and it's the same citation until you get to the last letter designation, then it's (q).

ALVAREZ: I think that's just the hierarchy.

KNEIPP: They're all in a table so it's --

ALVAREZ: Alphabetically.

BARCA: So it's in a separate line?

ALVAREZ: Right.

KNEIPP: Yes. Yeah. So as for the residential PUDs we want a cross-reference to PUD section, but also to the review and approval section. For single-family detached in multi-family we want just a cross-reference for review and approval, we don't need -- it's we're not grouping everything in that table to point to 40.520.020, they're very line item, very specific. So when you want to, when you -- the idea behind it is when you want to do single-family detached, you can look and see, okay, I'm reviewing approval and then it will give you a cross-reference section of where to go to to give you more information on how to proceed with that. With the residential PUD there's two sections that you need to go to for that, the review and approval and the PUD criteria.

BARCA: And I guess that's where I got confused because you said both, but I only see a citation or a cross-reference for one of them. And then the one that you quoted as the second one happened to fall down in 6 but it's actually it's --

KNEIPP: Right. It's --

BARCA: But it's all --

KNEIPP: They both go to the same one.

BARCA: It's a segregated matter. Okay. So then why is 40.520.020 not also in the proposed change for the table on Item 5? Doesn't it need to be both if you say you are willing to add --

KNEIPP: That's what we want.

ALVAREZ: That's what we're proposing to add. It's not included currently.

BARCA: Shouldn't I see it typed in there --

ALVAREZ: It was --

BARCA: -- with an underline underneath it showing that it's been added then?

ALVAREZ: Yes, it was omitted from the packet, that's what I wasn't clear on. And we're proposing to --

LEIN: It's being added tonight.

BARCA: Oh, it's being added tonight.

ALVAREZ: Tonight, right.

BARCA: So I can like write it in --

ALVAREZ: Exactly.

BARCA: And then it's just like it's supposed to be. Okay, I'm sorry.

ALVAREZ: Sorry about that.

SMITH: Remember the underline in.

RUPLEY: And don't forget that, yeah.

BARCA: Okay, I'm back on track.

ALVAREZ: Okay. 7, the setback exemptions, there's just a clarification. The code citation on Line 5, 20 and 23 are wrong, it should read 40.200.070 instead of 40.220.

LEIN: That's on the italicized in the middle of the page?

ALVAREZ: It's on Line 5, 20 and 23.

BARCA: It's three places separately called out incorrectly and you want to change it?

ALVAREZ: Right. And on Line 43 we have the correct --

BARCA: Okay.

ALVAREZ: -- reference.

LEIN: 5, 20.

WRISTON: 0 instead of 2 in the middle there.

LEIN: So get rid of --

RUPLEY: Line 5, 20 and 23.

DELEISSEGUES: What did he say about 43?

RUPLEY: 43 is correct.

BARCA: 43 is the correct citation under those circumstances.

ALVAREZ: Do you have any comments about No. 7? No. 8 is the NAISC, NAICS, North American Industry for Classification System, it's just adding footnotes to correct

an error. Okay. No. 9 is a grammatical correction. Any questions with that? No. 10, retail parking for supermarkets. No. 11 --

DELEISSEGUES: I just had a question on 10. Where it says "the space," is there a definition of "a space"? Like a lot of times they'll put "compact" on a parking space which nobody can park in, including the compact, and some counties in some places have prohibited compact spaces because there are way too many of them for the number of compacts and I just wonder if there's some uniform definition?

KNEIPP: We, "compact space" is defined and "a parking space" is defined as -- well, the sizes are defined. We allow up to 15 percent of the allowed parking to be compact and any amount over that you've done beyond your required amount can be compact.

DELEISSEGUES: Is there anybody that ever polices to find out if an SUV is parked in a compact space?

KNEIPP: No.

RUPLEY: They are always.

DELEISSEGUES: I don't know why they do that. I don't know why you have compact spaces.

KNEIPP: We haven't written that into the code, no.

WRISTON: We park where we can fit, babe.

LEIN: Park or lose your space.

DELEISSEGUES: Well, if they did park there, then there's two people on either side that can't park there at all. Okay, just wanted to --

BARCA: That's why it's one space for every 350-square feet worth of retail.

ALVAREZ: No. 11, a code citation correction, street and road standards. No. 12, grammatical correction on plan amendment procedures. No. 13, also grammatical correction on plan amendment procedures. No. 14, the cross-reference citation for erosion control. No. 15, I had one more correction on Line 13, the WAC reference cited should read 173-27-090 instead of the 197-27-090. Any questions with that? No. 16, the post-decision procedures and final site plans. No. 17, the maximum lot size exemption.

MOSS: Yeah, I had some questions about that.

ALVAREZ: Okay.

MOSS: This now contains a prohibition against having the remainder lot exceed the maximum average lot size for the zone, just a comment here, I can imagine scenarios in which for short plats at least that you could divide off -- you could divide a property into two lots and create a situation in which you couldn't meet this requirement if you're not particularly careful. And the example that I would give would be, and there I could probably cite several others, but if you're in an R1-6 zone and had a maximum lot size of 8500-square feet and happened to create a lot that was 17,500-square feet as your remainder lot, you couldn't meet this requirement because your lots would have to exceed 8500-square feet and you couldn't -- your two lots would have to exceed 8500-square feet and yet you don't have enough area to get three, so you may be creating a trap for the unwary here if the planning staff doesn't police this to make sure that the remainder lot is divisible.

KNEIPP: You mean it's further divisible?

MOSS: Well, my concern is that you may create a lot of such a size -- for example, in the R1-6 zone if you created a remainder lot that was 17,500-square feet, you couldn't divide that into three lots because you don't have enough for three 6,000-square foot lots. You also couldn't divide it into two because one of those two would have to exceed 8500-square feet. 17,500-square feet is too much and at the same time it's too much for two and too little for three.

KNEIPP: I think I follow you on that and how -- what would you suggest? How do you suggest that we would --

ALVAREZ: Well, wouldn't you at the time you're short platting you could have the one lot that could meet the exemption should be big enough so that you -- it would prevent that problem from happening.

MOSS: Oh, if you think about it in advance, you could prevent that from happening.

ALVAREZ: Right.

LOWRY: That's an issue that could exist regardless of this section.

MOSS: Yes, it is.

LOWRY: If you have a vacant parcel that it's large enough to divide into two but not into three and the two lots would be over the maximum, I'm not sure if we have a practice on how to --

KNEIPP: Well, I think, I believe the exemption says it, it grants you the exception for the lot that you're creating for the house and then the remainder lot.



LOWRY: Right. No, but forget this section. What happens if somebody has a vacant piece of land and it's too small to get three lots on, but when you divide it in two you don't meet the maximum? It seems to me the issue you're raising is a legitimate one.

MOSS: Yeah, it is. And you could have that on an existing lot or you could create that situation inadvertently here.

KNEIPP: I think Rich's question is what would we do with it now and I don't believe we have a code citation that adequately addresses it.

MOSS: Yeah. Well, I think this may be a place for that.

LOWRY: And I guess I disagree. It seems to me that if we need to address that issue, and I would think we do, we ought to address it in terms of the maximum lot size provision indicating that it doesn't apply if you don't have enough area to meet the maximum.

MOSS: Or if you have too much area to --

LOWRY: You have too much area to meet the maximum, not enough area to meet the minimum for an additional lot.

WRISTON: That makes sense to me. Will that work?

MOSS: That works, uh-huh.

WRISTON: So when do we do that? Can we do it now?

LOWRY: No.

WRISTON: Oh, come on, I give you notice, gees.

LOWRY: Yeah, I mean that could certainly be put on the list and I think the intent is to do this more often than we historically have done it.

WRISTON: How often are we doing it?

ALVAREZ: It's biannual, so it's twice a year, and we're planning to come back the second half of this year.

BARCA: So you wouldn't consider that a refinement?

WRISTON: How often (inaudible) once a year?

BARCA: You wouldn't consider that a refinement.

LOWRY: No. I think it deals with an issue that -- this section only deals with a situation where you have an existing house on a parcel. The issue Lonnie's raising broadens it to a situation where it would also apply to a vacant parcel. In addition I think we need to correct it in the -- in a different section than this section.

KNEIPP: But this one could still apply? This recommendation could still go forward?

LOWRY: Yes.

MOSS: Yes.

ALVAREZ: So do you have that, Mitch?

KNEIPP: Yeah.

ALVAREZ: Okay. So we'll put that in our list for our next round of changes.

DELEISSEGUES: Next year.

ALVAREZ: No. 18 is the density transfer. Are there any questions?

DELEISSEGUES: What's the difference between 18 and 19?

ALVAREZ: Good question. 18 is spelling out that utility easements do not qualify for a density transfer, and also adding regional stormwater facilities as encumbered land so that they do qualify for density transfers. 19 is addressing a management decision that currently the language that we are using to describe a parcel that's abutting an existing single-family development doesn't include across the road, and so by changing the language we would include -- we would be able to say that an existing residential, an existing subdivision across the road would be considered abutting and therefore have to provide 90 percent of the maximum lot size on those perimeter lots and concentrate the higher density development on the interior parcels.

DELEISSEGUES: I guess I just wondered why they couldn't both be covered.

ALVAREZ: They were, they were originally and we separated them.

MOSS: But --

WRISTON: What's the policy --

DELEISSEGUES: Okay.

WRISTON: -- reason for not including easements for utility transmission lines? Oh, it's

just utility, so it's aboveground?

DELEISSEGUES: Utility transmission, is that what you're talking about, Jeff?

WRISTON: Well, I'm just wondering what the policy reason was for in terms of not including this as, we're saying they're not included; right?

ALVAREZ: Right.

WRISTON: To in your available land for a density transfer?

ALVAREZ: Right. The idea being that there's a property owner has agreed to enter -- has agreed to enter into an agreement to not, to not develop that property granting the easement so it's not --

WRISTON: Excluded in any way.

ALVAREZ: It's not. It's not, right.

BARCA: (Inaudible) making money off it.

WRISTON: Well, no, they're -- I mean those, most of those are granted the 1700s and early 1900s, I mean, so it's they're not making money off of them.

BARCA: They make money off of them.

WRISTON: Maybe like the railroads, but, yeah, I mean.

MOSS: What's the policy reason for requiring lots to be 90 percent of the area of the --

ALVAREZ: Existing.

MOSS: -- lots on the adjoining zone?

ALVAREZ: It's not the adjoining zone --

MOSS: Excuse me.

ALVAREZ: -- it's the underlying, right.

MOSS: What's the policy reason for that?

KNEIPP: The existing policy reason?

MOSS: Yeah.

KNEIPP: Because that's current code I mean.

MOSS: Yeah, I understand that, but I'm just wondering what's the -- why is that a good policy?

KNEIPP: Well, I think part of the reason was to -- I mean you could look at it that it was a -- some sort of it could have been considered a transition between an existing development and then a development next to it that is utilizing density transfer to, you know, shift the density closer to those developments, existing developments, and so instead of having a bunch of little lots right adjacent to, you know, my 10,000-square foot lot or whatever, that they keep it up at a higher so you don't have a bunch of those little lots where you just have maybe only, you know, three or four instead of six or seven.

ALVAREZ: Just trying to protect the interest of the existing neighbors.

MOSS: But we can have a situation where we've got the neighboring property as an R1-6 zone, our property is an R1-10 zone, so we have to have lots that are how big?

KNEIPP: You got to be 90 percent of that so 9,000-square feet.

MOSS: To protect those 6,000-square foot lots next door. You know, I question whether there's any valid public interest served by it, by that. And I don't think that's an anomaly, I really wonder. I think there are so many situations where we have existing lots that are legally created whether they're Planned Unit Developments or whatever the case may be and we would be imposing the rule here that actually requires in the interest of protecting the size or protecting those lots from incompatible development it would create more incompatibility than it solves.

And in the case that I'm talking about, I mean putting 9,000-square foot lots against 6,000-square foot zoning makes absolutely no sense to me at all. I think this is, this is one that really needs to be rethought to determine what public interest is it that's being served here and how do we best serve that. I'm not saying that there isn't any, it's just that there are so many times that we've thought about using this provision but have been essentially hamstrung because of this requirement that we just abandoned the idea.

LOWRY: Lonnie, are you suggesting that this section ought to only apply where the adjacent zone provides greater density?

MOSS: Yeah, I would. A greater or equal, and only then in those cases where the existing lots maybe are, you know, meet that minimum zoning requirement, you know. I can imagine a Planned Unit Development next to this property that has 4,000-square foot lots in a 6,000-square foot zone and here we are in our 10,000-square foot zone

creating 9,000-square foot lots for compatibility.

LOWRY: Well, I think you could without crafting exact language today make that recommendation or have the Commission considering making that recommendation to limit the applicability that this section to or not have it apply unless the adjacent property has greater, more intense density allowance and if developed has more --

KNEIPP: And that were developed?

LOWRY: -- as the smaller lots. Yeah, right.

MOSS: But, you know, I -- Rich, I think I'd even go further than that and suggest that there's probably not a sufficient reason to have this provision at all, and I'm thinking we've already made a decision that single-family development of any size really is compatible with other single-family development, we don't require, we don't require anything special when we've got a 5,000-square foot zoning abutting up to 10,000-square foot zoning, we think that there's compatibility there. We sometimes require landscaping when we've got multi-family against single-family, but by it's very nature I think single-family development has been determined to be compatible with single-family development. I'm just not sure there's a reason to have this provision in there at all.

BARCA: And that being said, I would agree with Lonnie's assessment of it. The way that we're trying to do this zoning aspect, there's lots of times that roads have become the dividing line between areas that have been zoned for one specific reason or another and the County has set densities and targets for densities and the aspect of then having to tamper with them specifically because of a boundary issue when in other circumstances we've seen that they do go and abut one another backyards, side yards, across the street. I agree, it doesn't seem to be necessary.

KNEIPP: I think one of the things that when you're looking at density transfer, in the purpose statement of density transfer the very last part of it is it says while also you're doing all of these while also maintaining compatibility with existing residence, it's somewhat like in-fill that where we kind of look at increasing density, but we also try to look at maintaining compatibility with neighboring developments. This is another provision that allows you to transfer density where -- in areas where you couldn't, you -- so you're getting a benefit for that, you're able to develop at a greater density because you have an area that you can't utilize either environmental or some other reason. And so then in doing that they've also, you know, looked at trying to being compatible or being more compatible beyond what just zoning does with those existing neighborhoods. So, you know, if we want to take that out, I think we need to look at looking at the purpose statement of density transfer as well.

LOWRY: Right. I don't think we're noticed sufficiently on this issue so we could actually delete this provision altogether. I think you could recommend against this proposed

change so that the provision wouldn't apply to properties across the street.

MOSS: Yeah, and I certainly want to do that. I would also recommend that we take another look at this at sometime in the near future and decide if there is sufficient public interest involved here to have this requirement at all.

ALVAREZ: Do we just proceed?

LEIN: Go ahead.

ALVAREZ: No. 20, pedestrian connection-commercial.

LEIN: I've got a couple of questions. The first one on Page 14 where you have the requirement for 8 foot of paving and 3 foot side or of landscaping, I'm concerned about a 3 foot area. If we're going to be required to put trees 24 feet on center, trees, roots are problems in areas that small and I'm not sure that we have anything in the County standards at this point that even refers to an area like that. I know when we do parking lots we try to get at least -- well, we prefer 10 feet of area and we've done it as small as 5, but you go down to 3 foot and you'll find out what happens as you walk downtown Vancouver, the roots start breaking up the pavement and stuff, so I question why we're doing that aspect of that.

ALVAREZ: I think that -- well, the first thing is that the original language had 8 feet as a minimum and 3 feet as a minimum and when we changed the language what we were thinking was that people were thinking that it's 8 foot total and so we wanted to distinguish between the two, but we just added it together to be the 11 so it takes -- if you needed to exceed the 3 feet you can't do it the way it's written, the way it's proposed.

LEIN: Well, I think what you're doing is, you know, in many cases owners will go to the minimum and they will create long-term problems for themselves. That's just a concern that I have on that aspect of it.

KNEIPP: So would you suggest that it be 15 feet or 13 feet and 8 feet and 5 feet?

LEIN: Well, I think you need at least 5 feet for a tree and I'd leave that to some of the landscape people in the Planning Department too, if there are any left, but you'll get some unhappy owners coming back to you after five, six years and they're going to have some horrendous dollars to redo everything.

WRISTON: So you're saying a 5 foot landscaped area?

BARCA: As a minimum?

LEIN: Well, as a minimum. It could potentially cause some other problems just

because of the narrow access that you would have, you know, you're trying to maximize your square footage for building and for parking.

WRISTON: Aren't there species though -- I mean there are species that can suit -- that are suitable for a 3 foot or not?

LEIN: I'm not sure there's any species that would work very well in a 3 foot. I'd ask you to do some research on that.

KNEIPP: We have a plant list that we talk about that trees that can be planted adjacent to sidewalks that prevent that, what you're talking about.

WRISTON: Deep rooted or they --

KNEIPP: Yeah, there's a whole list of plants that we look at for that and trees that we look at for that.

MOSS: And there are some specifically recommended for narrow growing areas?

KNEIPP: Exact, yeah.

WRISTON: Well, that's just -- we ought to confirm that maybe.

LEIN: The other question I have is on the last paragraph on that page where the primary pedestrian access is provided and we're changing it from front to side yard, I'm sort of a graphics person and I need some explanation. Because if you come in to an L-shaped development and you're coming in this direction with strip malls and stuff, that whole thing is basically an elevation that that major pedestrian access is providing. Now is that saying that you will provide trees all the way across the L?

ALVAREZ: If the L is the road?

LEIN: No, I'm talking about pedestrian access.

ALVAREZ: Right.

LEIN: I can have in an L --

KNEIPP: Do you want me to draw up there, draw an L?

LEIN: Yeah, draw an L.

KNEIPP: Where's my street.

LEIN: Coming, coming from -- the street's on the topside. All right. I'm going to provide

my pedestrian access off that street directly down from -- no, down.

BARCA: The other side of the L.

LEIN: To the, that, correct, right in there, okay, so that's my pedestrian access.

KNEIPP: It may be right here, it may be (inaudible).

LEIN: Correct. Or it's from a sidewalk that's separated because of other setback requirements. So I'm coming to the main entrance and that has a series of shops so there's 15 main entrances so now I have trees all the way around that entire front; is that correct --

KNEIPP: Yeah.

LEIN: -- the way this reads? Okay.

WRISTON: Wouldn't that hurt the frontage?

KNEIPP: That's landscaping. The section that you're looking at now is landscaping in front of buildings. It's different from the pedestrian connection one.

LEIN: Correct. But my question is how much I end up doing, because even if I came in at a 45-degree angle with my pedestrian access to that L --

KNEIPP: But the difference is is that your pedestrian, your pedestrian access has nothing to do where you put the trees. You could have your pedestrian connection coming back here. It's where your -- the primary pedestrian entrance for the building only determines where you put the landscaping, it's not where your sidewalk comes to. The first section that we're -- the first section that we're looking at is the primary or is the pedestrian connection, that's 20 is the pedestrian connection, and it takes you to the primary building entry or entries, so it takes you -- basically what that says is that the pedestrian connection has to connect you to all those entries, so you'll have a, basically a sidewalk in front of all of those that's taking you there.

LEIN: And now I will have trees also.

KNEIPP: Yes. Yes, you will.

LEIN: Regardless.

KNEIPP: And because you have that, you also meet 21 automatically because you have the landscaping in front of buildings. That's what 21 is getting at. If you didn't have a pedestrian connection going to -- let me draw because I'm like you, I'm visual. If this was your lot and you had the street here and you had a building sitting here, put



your primary entrance right here, the way that the code exists now it would make it say where you -- the building front definition says the building, the face of the --

LEIN: Is a street?

KNEIPP: -- building that faces the street. So what we'd end up getting is landscaping right here which will -- is not what we're after. What we're after is getting landscaping in front of the building where the primary pedestrian entrance is. And so my 8-foot path going back to the other one may take me here, but then 21 says I'll get my landscaping in front of the building.

LEIN: So if that becomes a U-shape, then it follows the entire U.

KNEIPP: Right. And if you have that pedestrian path, that pedestrian connection, with the 3 feet or 5 feet, whatever, with those trees all the way around the front of that building you also -- you're complying with the building front, landscaping in front of buildings.

DELEISSEGUES: And you had four or five buildings.

WRISTON: See, the thing of it -- and the 3 feet, you're just looking for a canopy that's 8 feet tall. I mean it doesn't have to be or not?

KNEIPP: Well, we don't define that but --

WRISTON: Right. But I mean it doesn't have to be huge?

KNEIPP: No.

WRISTON: But you don't want them to be -- I mean where we're talking about putting them you're going to want to put trees that are pruned or something. I mean, you know, they're going to be fairly --

LEIN: And in this case in the front of the buildings, you know, you'll have a maintenance problem if you do anything that has much of a canopy.

WRISTON: Right, so it's going to have to be.

LEIN: So it's going to have to be either a palm or tree or something that you keep trimmed up very well.

BARCA: Can you explain for me why the public is interested in trees in front of the building as opposed to the street frontage?

KNEIPP: Why the public is?

BARCA: Well, you're representing the public with this change, I'm assuming that some constituency has said that this is an oversight or an error.

KNEIPP: Well, no, it's not, it's not -- I don't think it's an oversight or an error, it's a way that we have dealt with it internally. It is our -- it was our intention that that's where -- we didn't have a definition of "building front" or the change in Title 40 of building front made it awkward for us to get at having landscaping in front of the building which we've required for quite a while, as long as I've been here. Now when we in this with this change what we're going to end up with, you have -- obviously you have landscaping along the road, that's a requirement, perimeter landscaping is required on all commercial development, but then what this code, the way that with the definition of "building front" would be we'd have landscaping on a side of a building that was just there and it could be, it could be that the small side, but also what you want to do is you're breaking up the facade of that building and, you know, it's a -- you're looking at that and it's and it may be a very rough, you know, exterior and that the trees are breaking that up and which is something that we strive for, breaking up that elevation.

BARCA: So we're considering it aesthetically pleasing and therefore we're going to codify it?

ALVAREZ: What we're proposing, I mean it's already codified, but the way that the building front was defined in Title 40 it precludes us from getting there and it would just require us to put, put the landscaping in where it shouldn't be or where there's already a requirement for landscaping along the road.

LEIN: Mitch, could we go back to the L-shape and do another little sketch on that.

KNEIPP: Do you want me to draw another one or do you want the same one?

LEIN: Just use the same one is fine. I want to make a minor change at the base of the L. No, where the public entrance would be, down, down, right there, put a diagonal across there. No. No. That, no. No. The other way from upper, upper --

DELEISSEGUES: The only way you haven't done it.

LEIN: Yeah, from upper left down to right.

KNEIPP: From upper left?

RUPLEY: Across the corner.

LEIN: No, just across the corner.

RUPLEY: Go out.

LEIN: Go out aways. Go out 10 feet and make another wall.

RUPLEY: And make a rounded wall.

KNEIPP: This way? What are you trying to tell me?

SMITH: Get out there, Vaughn.

BARCA: Cartesian. Make cartesian on him, he's waiting for the coordinates.

KNEIPP: It's like Pictionary but I can't draw it.

DELEISSEGUES: I think these trees are required to break up errors that architects make.

LEIN: This is my building, like that, I have a pedestrian access coming in here, I have no pedestrian access anywhere else, there's my trees; right?

KNEIPP: No. Because the 20 or 21, excuse me, requires where, if you -- if these were all shops right in here --

LEIN: I don't have any other shops, this is one large building and this is my main entrance.

KNEIPP: Oh, I see, that's why we drew this, the front of that building right there?

LEIN: Right. So that's my side.

KNEIPP: Yeah.

LEIN: Okay. And I'm looking at it correctly that way?

KNEIPP: And the way that the code reads right -- the way that the code reads now without the change I think you're absolutely right as well.

LEIN: So you haven't accomplished what you want to as far as softening up the other edges?

KNEIPP: Well, I think we've accomplished it until people get creative like this and then want to do that. And that's what we're faced with and unless there's a way that we can, you know, you'd say everywhere along the front of that building you have to provide those trees, but that's not what we're trying to get at.

LEIN: The other thing is you also have landscaping out in the parking area at the ratio -

-

KNEIPP: Yes, we do.

LEIN: -- of 1 to 6 so you're softening the building there too; right?

KNEIPP: Yeah.

LEIN: All right. Any other questions on this section?

MOSS: No. Just one comment though. And just building on, you know, your comment, people get creative about doing things like that and not merely because they want to save the price of a couple of trees, but because they don't want those trees sometimes and it does get back to, you know, what is the public interest that's involved here. Ron's question, you know, are we imposing something that we really have no business imposing upon the building owner.

And that's not to say that I don't enjoy landscaping, I do, but I'm wondering again sometimes if we're delving into something that we -- where we really have no business establishing public policy. I think that ought to be a question that's on our mind all the time. You know, I think we can certainly make a case that the street trees are a desirable amenity that serve the public well, I'm just not sure that trees against the front of the building do the same thing. I think that really ought to be left up to the building designer and owner.

LEIN: Well, you have some owners who don't want trees there because you'll have especially young kids fooling around out in front of it and pretty soon they've broken it off and in no time it looks like a disaster. So, you know, there's pros and cons to doing this.

KNEIPP: Well, and I think the way, you know, we're not adding a section that requires trees in front of a building, what we're clarifying that it requires it -- I mean that section is already there, I mean that's been to the Board, you know, and they already looked at that public interest in that as well so.

MOSS: Yes, understood.

LEIN: Anything else on 21?

ALVAREZ: No. 22 is the wetland permit application. Any questions about that? No. 23 is the legal lot determination, the public interest exception. And then there's one -- the code citation on Page 16, Line 4, there's an error, it should read 40.520.010 sub (F) sub (3).

BARCA: Oh, my gosh.

LEIN: Do you want to hit that one again, please.

ALVAREZ: 40.520 --

LEIN: Where's it located.

MOSS: It's Line 28.

BARCA: Line 4.

ALVAREZ: Line 4, Page 16.

LEIN: Thanks. I'll copy Jeff's.

ALVAREZ: Okay. No. 24 -- do you have any --

MOSS: Can you give us that one again. I see it's Line 4 but what --

ALVAREZ: Do you want the citation?

MOSS: The citation.

ALVAREZ: 40.520.010 sub (F) sub (3).

MOSS: Okay, thanks.

ALVAREZ: No. 24 is road modifications.

LEIN: Dick, do you have anything to ask on this one?

WRISTON: Lonnie?

ALVAREZ: Okay. No. 25, stormwater fee for small residential projects. Any questions or comments on 25? Okay. No. 26, RV storage independent of mini-storage. No. 27, Class IV-G single-family dwelling moratoria waiver. Oh, that's right, and we have a couple of corrections. We're proposing to strike the proposed change D from Line 20 on Page 20 through Line 5 on Page 21 and change the years on Line 12 and 13 from 3 to 6.

DELEISSEGUES: To how many?

BARCA: 6.

WRISTON: Is that it for the changes?

ALVAREZ: Yes.

WRISTON: What caused this? There's got to be a story behind it, it just sometimes helps to --

ALVAREZ: Right. Well, the County Forester stepped away, he was going to discuss this.

WRISTON: He's gone though.

KNEIPP: He's coming, he should be back.

ALVAREZ: We could come back.

MOSS: We can come back to this one.

ALVAREZ: Right. We can move on and come back to that.

WRISTON: This is going to be good.

ALVAREZ: No. 28, the wireless array definition.

BARCA: So we'll come back to that?

ALVAREZ: Yes, definitely. No. 29, the landscape matrix. Do you have any questions?

MOSS: I do have a suggestion for something to look at in this landscape matrix and that is you've got a Note 2 down here, if the building is built on the property line there's no required buffer for that portion of the site, and certainly all of us can understand that, that's very clear. What's really hard to understand, though, is that if you aren't building on a property line, then you have to move 10 feet inside to meet the requirement. There ought to be some room, yeah, I mean you either provide the full landscape buffer or you provide none. There ought to be some flexibility here to allow building not exactly on the property line, but not also at the full, full landscape standard. And I found that in the case of my building, you know, if I could have built on the property line or I could build 10 feet from the property line but I couldn't build 9, 8, 7, 6, 5, 4, 3, 2 or 1. I'd suggest there's something wrong with the code if that's the case. If zero is acceptable and 10 is acceptable, someplace in between ought to be.

RUPLEY: Bob wrote that one.

ALVAREZ: I'll look into that. No. 30, sediment removal from roadways for small parcel development.

LEIN: Who's the responsible official that approves street washing?

ALVAREZ: To approve street washing?

LEIN: Yeah.

ALVAREZ: I'm not sure.

KNEIPP: Is that referenced here or is that just a general question?

LEIN: No, it says "street washing which must be approved by the responsible official."

LOWRY: I would think that would be the Public Works Department.

LEIN: Public Works?

LOWRY: Yeah. Or if it happened to be a State facility obviously.

LEIN: Go to WSDOT?

LOWRY: WSDOT, right.

ALVAREZ: And No. 31, the CARA. Any questions? No. 32, the parcel area on final plats. Okay. And No. 33, the update of steep slopes and landslide hazard map which is behind me.

SMITH: Was this new method done in the cities as well or just in the county?

ALVAREZ: Was it done in the cities?

SMITH: Well, the new methodology that derived this map, was that done in the cities as well as the County?

ALVAREZ: It was applied I believe to the entire county.

MOSS: What is this technology? I'm not familiar with it.

WRISTON: LIDAR.

MOSS: Thanks.

ALVAREZ: I've forgotten the -- what the acronym stands for.

MOSS: I didn't mean to put you on the spot, but there's no reason for you to have to know that.

ALVAREZ: Well, I did at one point, but it's -- I think the way Ken described it to me it's just able to, to read the depth, it facilitates in getting more accurate information, but I'm not sure what the technological, it just gives us more accurate information.

DELEISSEGUES: On 31, what's CARA? What is that?

ALVAREZ: That's Critical Area Aquifer Recharge Area.

MOSS: Critical Aquifer Recharge Area.

DELEISSEGUES: That's what we thought, but someplace in this if you're going to send it out and you've got an awful lot of acronyms --

ALVAREZ: Just spell it out.

DELEISSEGUES: -- and letters that aren't explained anywhere, it's hard for the casual reader to understand what we're talking about.

ALVAREZ: I understand. Do you want to go back to --

LEIN: 27?

ALVAREZ: Yes.

LEIN: Since Mr. Vandling's here.

BUTTS: Mike Butts, Development Services Manager. In terms of the backdoor conversions, Jim (inaudible) briefly describe what the problem is. We have a proposal before you but in the interim we've since been working with a group and they have a, probably a -- hopefully a better proposal to address this issue and so we'd recommend that you at least take this one issue and continue it to your next hearing date and we'll hopefully have, Jim will have a better proposal for you than the one that's before you today and bring it to you at that time. But, Jim, if you want to go ahead and explain some of the backdoor, the problem, then we can talk about how we address it later.

VANDLING: Okay. Well, first of all, when we were in the process of codifying the ordinance this was an oversight that we didn't pick up on at the time, that it's one of the few -- well, it's the only regulated ordinance right now that doesn't have an enforcement element to it. And we've processed hundreds of these permits since we've had the ordinance and out of all of these other, these permits that we've run through, we've only had about four that have resulted in backdoor conversions.

But in the process of them slipping through the cracks, and it's basically a processing glitch between State permitting and County permitting that we're trying to fix right now,



but the end result of these was the expenditure of a lot of taxpayer money and staff time to try and remediate the problem that was created during the backdoor conversion. So over the past several months we've been having some bilateral meetings with the, with the State folks and what's come out of those is their desire to have a little bit more of a grip on enforcing and actually having it in the code that this is an enforceable ordinance.

Now of course we had stakeholders involved during the process of writing and implementing the ordinance and that stakeholder group is the Clark County Farm Forestry Association. Well, three weeks ago we had a meeting with the Board of that organization and there was a consensus that was reached in that meeting that, yes, this really does have to be enforced, but there's a lot of different ways to enforce it and what you have before you there is one method and that's basically a mitigating type of remediation. There's -- we could go to Title 32 and actually put in a numerical value for a fine.

What came out of that meeting with the Board of that association was another idea and that was to immediately place a lien on the property, and I'd like Rich to think about this and possibly address this too, but to put a lien against that property so it could not be sold to an unsuspecting buyer knowing that all of this cloud was hanging over that piece of ground. So that's another tool. But next Tuesday we're going to have another meeting and we're going to be discussing this more and hopefully generate some sort of methodology that the Planning Commission can consider that rationally could be sent up to the Board of Commissioners.

WRISTON: Jim, I've never -- you got to help me with the -- I've never understood the Forest Practices Act and I'm not sure if I understood the application the County, how it all works, but if you've got a large parcel or whatever that has -- that's forested that has trees that's zoned for, you know, light industrial or whatever, heavy industrial, residential, mining, I mean throw out any use that contemplates, that at some point in the future those trees are going to be removed to accommodate the uses that we've zoned them for. I mean I guess uses outside of forest.

I mean where you say, you know, Tier I, Tier II or whatever, you know, forest, what is the purpose of the forest practices permit? Because I know, like I think it's true, like if we go up at our Lewisville site for instance on mining, I think we always have to go in -- the landowner has to go in and prior to us clearing to expand our mining area, which this is where I always get lost because I mean this is a mining property so it contemplates the trees and you can't save trees when you're mining, but prior to us going in and clearing those trees for mining we have to get a forest practices conversion. And a conversion permit I believe the landowner usually goes in and gets those, and it's seemed assanine to me, I mean I just, I don't understand it. I mean we zone it for this and then we got to go and go through the whole conversion process, what is the public policy behind that not to --

LOWRY: One of the primary distinctions is if you're doing a conversion, then the

clearing is subject to County regulations. If you're not doing a conversion, it's subject to State forest practice regulations.

WRISTON: Well, why is it subject to any? I mean the County is -- I mean we've zoned it.

LOWRY: Probably the primary ordinance of significance is the critical lands ordinances. The forest practices provide lesser protection for particularly streams under the theory that if it's going to be reforested, the impact of the clearing is temporary and doesn't need as much buffering as if the land is going to be converted to a nonforestry use.

WRISTON: You know, but, and maybe, maybe I've misunderstood it all these years or we're doing it wrong or maybe we're doing more than we need to do, but even though we have a permit to mine, as we go through and clear to expand the mining on a permitted area I think we still have to go through a conversion.

LOWRY: Yes.

WRISTON: So the critical areas and all those issues have been dealt with a long time ago through an EIS process and everything else. So I don't, I still don't understand where the conversion and forest practices permit. And this is something that's bothered me so I just wanted to, it's bothered me back at the State point and now it bothers me at the County point and I, you know, I don't know, is it just a -- I mean it's just a permit on top of a permit, isn't it or, do you understand what I'm saying? And I've never -- and it's got to -- it can't just be in my type of uses, I mean, it's got to be in --

LOWRY: If the -- again the distinction is if it's a conversion action, the County has to sign off on the forest practice as being consistent with our land use regulations, including our critical areas ordinance. If it's not a conversion, we're out of the loop.

WRISTON: Well, a conversion you're saying from forest to another use?

LOWRY: Right.

WRISTON: But it's a piece of land that's zoned for -- I mean say it's light industrial, it's zoned for light industrial and an owner wants to go and clear some timber for light industrial, but he's clearing timber though and he has to -- if it's conversion -- I mean it's not an easy process. Maybe the County process is easier now, I don't know.

KNEIPP: But if we have stuff that's zoned industrial, we still do a review process from looking at an industrial use going on that property.

WRISTON: Through a conversion process?

KNEIPP: No. I mean you're making -- you're saying that because it's zoned a certain

way that it should have contemplated the trees coming down, and what I'm saying is that we've zoned land the flattest piece of land industrial, but that still means we can review it. We still have a process that you have to go through and review that.

WRISTON: No. No, that's what I'm saying. But if you, do you have to go through the conversion process on top of the other processes on an industrial piece of land?

VANDLING: It's mandated by the RCWs.

WRISTON: Right.

VANDLING: It's 7609, it's clearly mandated. And it's been like that since 1976.

WRISTON: Right. Does it make sense to anyone though?

LOWRY: Well, it does --

WRISTON: I mean does it? I guess I don't see it. Does anybody -- are you guys --

VANDLING: Well, you're -- let me give you a different view on this. Mining and timber harvesting don't always generate a conversion forest practice permit because in the process of reclamation you can always stipulate in your plan that you're going to reforest in your reclaimed area.

WRISTON: If the underlying use allows you. I mean it depends on what you're --

VANDLING: If there's not going to be a reclamation, of course then you wouldn't be able to do that.

WRISTON: Or what the -- I mean DNR wants to know what you're -- I mean what the --

VANDLING: Right. And there have been mines just recently that have gone through timber harvest and they've utilized DNR timber harvest permits to do this because they had a plan that clearly showed that area in the reclamation could be replanted back to a commercial forest. So it's not a case of why all the time, it's a case of where and which one and a little bit of forward planning on the mine's part if they do have the kind of material that's going to be generated from that overburden that's coming off that mine and they set that to the side for the reclamation, they can clearly make a good attempt to regenerate a commercial forest.

WRISTON: And not convert is what you're saying? And not be a conversion technically?

VANDLING: Right. Correct.

WRISTON: But I guess, and maybe mining isn't, that's just my experience, and I'm trying to figure out in looking at these penalties and things like that we've got a, you know, someone's got a 40-acre piece of, you know, property that's zoned for light industrial or something like that that's got trees on it that technically triggers this Forest Practices Act and someone clear-cuts it and we're going to put a six-year moratorium on it?

LOWRY: Hu-huh. No, this applies where they have not indicated they're going to convert.

VANDLING: This is --

WRISTON: No. No. No, right. Where they, where they have not indicated, they haven't gone, they haven't done anything, they just went out and --

LOWRY: No. No. They've indicated affirmatively that they're not going to convert or they're going to go into a -- I never can remember the name of it, harvest.

WRISTON: Well, what if someone just goes out and clear-cut? What if someone just goes out and cuts without any permits?

VANDLING: Then they're going to have a six-year moratorium.

WRISTON: Right. And that's what I'm -- and yet they did it on land that's light industrial or --

BARCA: Or commercial.

WRISTON: Right. So there was commercial harvest, I guess I mean, but it's a commercial harvest that --

LOWRY: And is there a stream running through this --

WRISTON: Well, I don't know. So you're saying that the logic behind this is that they clear-cut and the potential is that there's a stream and then they could argue later that it's not critical land because it's clear-cut?

LOWRY: And could, that's one of the reasons. The logic behind the State statute is that the State statute preempts the County from having authority to regulate harvesting unless it's a conversion.

WRISTON: Well, I guess I -- here's my, the logic to my -- let me get to where I'm going. One of the alternatives I think you ought to consider is, and it could be monetary or whatever, but is rather than making them replant, you know, because in this whole, the whole logic of if you have a 40-acre piece of light industrial property that you went out

and just did something to and it's supposed to be light industrial, public policy, now we've put a six-year moratorium on them and/or we're going to make them replant it, does it really make sense? We want the light industrial, we want the jobs for God sake, the City Council and the Board of Commissioners are just going ballistic on jobs these days, don't get me started on that, on what they're doing to make, you know, to show that they're trying to bring jobs to the county, and now we're going to have a six-year moratorium and we're going to make them replant it, does that make sense, I mean, for six years and then we're going to make -- and then we're going to have to cut and do a conversion, that doesn't do any good.

VANDLING: This is already in the code. I mean we're not adding, we're not adding a penalty six-year moratorium to the code, it's already in there.

WRISTON: It's in the RCWs?

VANDLING: No. It's already in County code.

WRISTON: But, right, I guess I'm saying rather than make -- it doesn't make sense that you've got this land, you want it light industrial, you're going to put a six-year moratorium and you're going to plant trees that they're going to just file a permit and cut them down and six years from now they're not going to be worth a damn. My -- unless I misunder, my thought is figure out a way to make them go and plant them somewhere where they do some good, that's what my thought is. I mean put them somewhere in a park or in a on forest land or in public lands or on DNR lands or somewhere where they're going to do some good because you're putting them back on land that will ultimately be cleared.

VANDLING: The whole purpose of a mitigation, the opportunity to prepare a mitigation plan, is to actually provide an opportunity that would go that direction.

WRISTON: Could they do that?

VANDLING: Mitigation plans can be done a lot of different ways.

WRISTON: Not just on that landowner because this seems to imply that maybe --

VANDLING: Well, look at the way we approach some wetlands mitigation, it's much along the same lines as that. The --

WRISTON: Except it's on the same land, wetlands banking.

VANDLING: If they did that, if they went in without a permit, they're headed to a hearings examiner.

WRISTON: Right.

VANDLING: All right. And when they go to that hearings examiner, if this language is added in there it's going to give them the guidance to prepare a mitigation plan that they can sell to the hearings examiner to get themselves relieved from that moratorium and then they will have accomplished something good and we will have gotten something out of it as far as maybe even off-site mitigation. If they prove to the hearings examiner, if they bring their burden of proof to him and show that not replanting that one area is in the best interest of building a factory and going off-site with that would be, would be more appropriate, then the hearings examiner would have that evidence in front of him to weigh.

LOWRY: Again, I think the primary --

WRISTON: I mean --

LOWRY: -- issue here ought to be whether or not the failure to get the required permits or not disclosing a conversion resulted in trees being cut that otherwise could not have been cut. So if for example trees were cut within the buffer that's required under the wetland ordinance or the habitat ordinance mitigation ought to be required for that.

WRISTON: But you're mitigating on land, yeah, I mean within that, I guess it all, it just has to -- if you would mitigate, I guess you'd want them to mitigate within the critical habitat corridor or something like that, but why make them plant trees?

LOWRY: If they -- again, I mean I think the core of this ought to be, and maybe it needs to be refined some more, which we can try to do before your next hearing, the core of this ought to be to require mitigation where the forest practice resulted in trees being taken down that either couldn't have been taken down under the State Forest Practices Act or couldn't be taken down under the County's more rigorous critical area protections.

WRISTON: Well, it's just never -- I mean the other -- I know this ordinance, I mean somewhat, I mean in RCW, the other thing was it was like three years, right, you don't -- the conversion, you don't plan on converting for three years but you have to replant within two years or something like that? Isn't that the language, the old RCW language was something along the lines of that?

VANDLING: That's the language (inaudible).

WRISTON: Something like that, you don't plan on converting for three years but you plan on replanting for --

VANDLING: That's what the State language is. Not the, yeah, not the County language.

WRISTON: Yeah, I don't know if your County language is like that. But again, there's

just a situation, I just, I would hope there would, we could figure out some alternative for to give a -- because there are other situations where a landowner goes in and he has this land and he, you know, does whatever and really doesn't, because that was the other thing that you triggered me when you said doesn't have, doesn't have plans to convert, he may not have plans to convert and then a year later he gets an offer and then wants to convert, technically they would have to replant first.

They could replant, and then I don't know if they have survivability or not, but they could replant and then they could just go refile for a conversion again, right, just replant is all you have to do and then you can file for a conversion a day later, but you just wasted all that replanting and all that, why not replant them somewhere where it makes sense. That's all I'm saying. Is there, it's, I think -- are you following what I'm saying? I guess not. We'll talk about it later. I think that -- I mean it's -- we'll talk about it later. You can -- it's just --

VANDLING: Then we have to come down to the definition of what's a tree.

WRISTON: No, it's not. It's a timing.

VANDLING: When you're dealing with a (inaudible) reprod.

WRISTON: It's a time -- we actually ran into it, it's a timing issue, it's a, it was a timing issue and we ended up just going through the process, but it was a timing issue. We had -- we were on, we were on property that, that, you know, was a question of when are you going to mine and when you're not going to mine and it was all a timing issue, and, you know, our intent was that it was going to be five years down the road, but if that changed, then you would be into this whole conversion issue because actually it was two or three years down the road, well, you can only get out of it by plant the trees, then what do you do, well, you then file for a conversion and you take those trees out and to me that just always seemed ridiculous.

VANDLING: I remember that, I was the one that did the site visit there.

WRISTON: Well, it seemed ridiculous because I'd rather plant the trees -- I'd rather say, Jim, I'd rather take the trees up to the East Fork and I'll spend the money, I'll plant the trees, but I'd rather plant them on the East Fork and there should be a mechanism for that rather than and that's all I'm saying and maybe that's the long way of doing it.

VANDLING: Well, hopefully, hopefully --

WRISTON: If you follow what I'm saying, but I mean I'd rather --

VANDLING: Well, working with the stakeholders who are really, really the pros and the experts of this and putting enough of those minds together, hopefully we can bring you something that's palatable and that makes sense.

WRISTON: And flexible I guess is the --

VANDLING: Because, you know, once we put it into the code it's got to work and, you know, we want to make sure that it's going to work and we want to be comfortable with it before we do that of course so.

WRISTON: Right. I'm just -- I guess I'm not -- just the urban area, the rural area's probably not as big of a, you know, especially with forest lands, but the urban area when you got trees on land that needs to be, that's going to be converted, it just makes it a little more difficult. Anyway, these guys are writing me notes like enough and all that, but it's just --

BARCA: It doesn't seem to help.

RUPLEY: Sorry you're not a winner.

MOSS: Jim, not in the interest of prolonging this, but can you just briefly give me an example of one of these backdoor conversions. I'm trying to imagine what's going on here and I'm not getting a clear picture of where somebody is inappropriately using the waiver process.

VANDLING: Well, probably the clearest, the clearest example is an individual who went out and didn't get any permits, it's in a remote area, logged it, nobody knew about it, and then sold it. Well, the subsequent buyer not knowing that this had been logged of course came in to file for a building permit and when the first inspector goes out and finds that it's been pretty much trashed, the stream buffers have all been cut and there's nothing left standing and it's all fresh, well, that generates an instant six-year moratorium.

So there's no way that either the State or us could have tracked in a moratorium that would have been recorded so that when they went to make their land purchase that there was a red flag at the title company saying that this is the case. Well, the subsequent landowner then is stuck with a whole lot of work to do that's very expensive. And in this case it wasn't just replanting, but there have been a landing cut on unstable slopes, there had to be a geotech done and several tens of thousands of dollars later then he's finally worked to the point of getting this ground back to where it should have been.

Now he didn't know anything about this, and granted, this doesn't happen very often, this is, this is fractional, in fact I can only count four in the last four years where this has happened, but still it does happen and when it happens to somebody it's not cheap and it spends a lot of County staff time working with them to get them to the point where they can get their building permit and do with their land what they intended to do in the first place. That is probably the clearest example.



MOSS: Thanks.

LEIN: It's probably pretty expensive for the unknown buyer too that all of a sudden wants to do something on that property.

VANDLING: Well, yeah. And then there's always those attorney's fees too.

LEIN: Any other questions on No. 27? Okay. Are there any other questions on any of the other items 1 through 33? We've been asked by staff to pull No. 27 and continue that on to the next hearing.

WRISTON: I guess on 33 we -- 33 we should probably be able to answer, know what the technology is or, you know, do something that it is -- what was the previous technology and what is the current technology and why is it so much more accurate or something along those lines.

ALVAREZ: Well, I do have what sort of the results of the difference between the two in terms of the acreage and lots and how that's affected between the two, between the '97 and the LIDAR if you want to see that.

WRISTON: Does it add more or does it take out?

ALVAREZ: It depends. It's broken down by urban growth area in the -- well, I can --

WRISTON: Well, it -- well --

ALVAREZ: It depends on the jurisdiction. Yacolt for example there was a decrease in the total number of acres. Battle Ground there was a decrease. Camas there was a decrease. Vancouver there was a decrease. Where it increased significantly was in a rural area, it picked up 10,000 more acres.

WRISTON: Oh, I'm fine with that, but Lonnie, no, I'm just kidding.

MOSS: And this is both steep slopes and landslide hazard areas?

ALVAREZ: Right.

WRISTON: I would just be curious on what, not that I'm -- I think it's just on what the, how did we, before how did we do it? How did that -- I mean GIS did it but what did GIS -- I mean GIS mapped it, I don't know what we, was it just things that were a certain percent of slope or something like that and then I guess I'd just be curious.

MOSS: Yeah.

WRISTON: I wouldn't have thought of this unless he asked it, but now he asked it and now I'm just curious what, because I'm almost curious how aerial technology picks up on something, you know. Don't hand me your note either. So anyway, it's just something, it's just a follow-up, it's not even --

DELEISSEGUES: Show Jeff your note again.

WRISTON: It's not even -- it's just a quick follow-up, even if, you know, what does LIDAR stand for and is it a plane or a satellite or --

ALVAREZ: We can get that information for you.

WRISTON: These guys are just, they're killing me up here. Well, I don't even know how GIS does it. I mean it was, it's a mapping thing but it's --

ALVAREZ: I don't know if the previous was orthography and they --

WRISTON: Yeah, I don't know either. Or through --

MOSS: My recollection is that the steep slopes map was purely based upon the USGS topography --

WRISTON: Okay, that's what I would figure.

MOSS: -- but then the landslide hazard areas were based upon kind of a very crude compilation of reports, primarily from a geologist from DNR who I talked to one day and disavowed any real ownership of those. He said for the most part it was kind of a drive-by survey and that he didn't intend to be used for that purpose, but it did fairly accurately I think, particularly out in the Washougal area, identify areas of concern. I think it was probably the best available at the time.

ALVAREZ: Right, I think so.

WRISTON: It's just always interesting to know. It's like archeological, you know, I think that's more like water based in our area. I mean it's just more of interest, it's not a, it's not a big concern.

LEIN: Any other questions? Entertain a motion.

DELEISSEGUES: Are we not accepting 19 then, we're throwing out or what?

WRISTON: I had not -- I had 19 as conditional or, you know.

LEIN: We'll look at it in the future.

WRISTON: Look at it in the future until we had --

DELEISSEGUES: So the motion would be we recommend approval of biannual code changes for 2004 --

LEIN: Excuse me, Rich, I think on 19 I think Rich was talking about adopting this now but looking at it further?

LOWRY: No. If --

WRISTON: No, I think he said (inaudible).

LOWRY: If you accept Lonnie's recommendation, I think you would recommend not adopting this.

LEIN: Not to look at it. Okay.

LOWRY: And that would leave this provision in place for immediately abutting parcels, but not for parcels that were across the street. I think your recommendation can also be that the Board consider directing staff to look at deleting this section entirely.

WRISTON: Right.

DELEISSEGUES: So we'd recommend approval of biannual code changes for 2004 except 27 which is continued and 19 with follow-up action as noted. Is that okay?

WRISTON: No. 17. We were -- well, 17 I thought we were going to put some additional language in there to solve that. Either put some additional language or --

MOSS: No, I think that -- or wasn't that a recommendation for further work?

ALVAREZ: That's correct.

WRISTON: So you'd take out.

LOWRY: My recommendation is you not deal with the issue Lonnie was raising in this section but deal with it in --

WRISTON: In another section.

LOWRY: -- in another section and that you -- but you can make a recommendation that that work be done also.

DELEISSEGUES: Okay. So **MOVED**.

WRISTON: Now hold on.

LEIN: Is there a second?

BARCA: **Second.**

LEIN: Any further discussion?

WRISTON: Well, now you're moving too quickly here.

BARCA: Perhaps you'd like to talk about it more.

LEIN: Could we have roll call, please.

WRISTON: What, are you missing American Idol or something.

### **ROLL CALL VOTE**

MOSS:	AYE
BARCA:	AYE
SMITH:	AYE
WRISTON	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
LEIN:	AYE

Conclusion of public hearing items.

### **OLD BUSINESS**

LEIN: That concludes the public hearing items for tonight's agenda. Is there any old business?

RUPLEY: By the time Jeff got done it almost was old business.

### **NEW BUSINESS**

None.

**COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION**

LEIN: Yeah. Any comments from members of the Commission? It's nice to see you all again, the relief was and the time off was nice.

DELEISSEGUES: When's our next meeting?

LEIN: The next meeting we have a workshop --

MOSS: November.

LEIN: -- on May 5th I think it is.

WISER: We don't have a work session set yet for May 6th, but I'll notify you. Sandra was going to notify me whether or not dockets would be heard as part of a topic but we don't know yet.

LEIN: Because most of our hearing, hearing agenda items are dockets?

WISER: Right.

LEIN: So if nothing comes forward there, then we won't have meetings.

WISER: The next hearing is scheduled for May 20th and then after that there's three of them in June.

ALVAREZ: I did find the reference to LIDAR, Jeff, it's the light detection and ranging is what it stands for and it uses the same principle as radar.

BARCA: But light.

WRISTON: From a plane?

ALVAREZ: I believe so.

LEIN: Yeah, it's from a drive-by car.

BARCA: Get out the laser pointer and point it out the window.

WRISTON: So did you run and look that up, Bob?

## **ADJOURNMENT**

The hearing adjourned at 9:30 p.m.

All proceedings of tonight's hearing are filed at Clark County Community Development .  
The minutes can also be viewed on the Clark County Web Page at  
[www.co.clark.wa.us/ComDev/LongRange/LRP\\_PCagenda.asp](http://www.co.clark.wa.us/ComDev/LongRange/LRP_PCagenda.asp)

---

Vaughn Lein, Chair

---

Date

*Minutes Transcribed By:*

*Cindy Holley, Court Reporter*

*Sonja Wiser, Administrative Assistant*

*SW/min 04-15-04*